

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

CSX Transportation, Inc., Mound Township Road District)	
and the State of Illinois, Department of Transportation)	
)	
Stipulated Agreement regarding improving public safety at the)	T13-0106
N. 450 th Street/TR 40 (AAR/DOT #546 462B, railroad milepost)	
QS-150.50) highway-rail grade crossing of the CSX)	
Transportation's track in Mound Township, near Altamont,)	
Effingham County, Illinois.)	

**PETITION FOR A SECOND SUPPLEMENTAL ORDER
TO UTILIZE GCPF ASSISTANCE AND FOR OTHER RELIEF**

NOW COMES Petitioner, CSX TRANSPORTATION, INC. (CSXT), by its attorneys Rock Fusco & Connelly, LLC and MacCabe and McGuire, P.C., and petitions for a second supplemental order to utilize GCPF assistance and for other relief, at the 10th Street, Altamont, Illinois grade crossing ((AAR/DOT 507 853P, railroad milepost QS-152.59,) and in support thereof states as follows:

1. On September 9, 2013, September 12, 2013, September 18, 2013 and October 10, 2013, Staff of the Illinois Commerce Commission (Commission), the Illinois Department of Transportation (IDOT), Mound Township (Township) and CSX Transportation, Inc. (CSXT) respectively, executed Stipulated Agreement 1750 according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law.

The Stipulated Agreement provided for the installation of a new surface at the N. 450th Street/TR 40 (AAR/DOT #546 462B, railroad milepost QS-150.50) highway-rail grade crossing of the CSXT track in Mound Township, near Altamont, Effingham County, Illinois.

2. On November 6, 2013, the Commission entered its Order providing for the work set forth in said Stipulated Agreement. Shortly thereafter, urgency brought on by rapid deterioration of the original 450th Street crossing surface did not allow CSXT sufficient time to procure and install the concrete crossing surface materials prescribed by said Order. In late 2013, CSXT rebuilt the original crossing surface with its standard timber and asphalt material, which is ineligible for Grade Crossing Protection Fund (GCPF) assistance.

3. On July 29, 2014, CSXT filed its Petition for Supplemental Order, detailing the progress to date and seeking an extension of time to allow for performance monitoring of the timber and asphalt surface installed in late 2013, and to proceed with the GCPF-eligible concrete surface installation, on or before August 6, 2015, if the timber and asphalt surface failed to perform adequately. On August 13, 2014, the Commission entered a Supplemental Order granting said relief. The concrete crossing surface materials were then purchased by CSXT to have at the ready, and reimbursement from the GCPF was made to CSXT for the materials.

4. In the spring of 2015, in accordance with a visual inspection by ICC Staff, the 450th Street timber and asphalt crossing was found in good condition, which precipitated discussions between ICC Staff and CSXT to re-direct the stockpiled concrete surface material and remaining available GCPF funding to another location. In the summer of 2015, several other locations were considered and discussed.

5. The August 6, 2015 required date for performance monitoring and completion of the 450th Street project has elapsed, and the timber and asphalt crossing remains in good condition. As the GCPF had already reimbursed CSXT for its purchase of eligible crossing surface materials to be stockpiled and at the ready, ICC Staff and CSXT are in agreement that the substitution of 10th Street in Altamont (AAR/DOT 507 853P, railroad milepost QS-152.59) is appropriate for the installation of a concrete crossing surface for the improvement of public safety, in order to utilize all of the materials previously obtained and reimbursed for 450th Street plus any additional materials, as appropriate, if needed.

WHEREFORE, CSX TRANSPORTATION, INC., prays as follows:

- A. The Illinois Commerce Commission enter a second supplemental order substituting 10th Street, in Altamont (AAR/DOT 507 853P, railroad milepost QS-152.59) for the installation of the concrete crossing surface materials previously acquired, with funding assistance from the GCPF, as previously provided for use at 450th Street/TR 40 near Altamont (AAR/DOT #546 462B, railroad milepost QS-150.50) as set forth in the original and first supplemental Orders entered by the Commission;
- B. Any residual GCPF funding previously obligated for the 450th Street/TR 40 surface renewal also be allowed for reimbursing the purchase of any additional materials as may be necessary and appropriate for the 10th Street surface renewal;
- C. CSX Transportation, Inc. be granted an extension of time, to June 30, 2016 within which to complete the work at 10th Street, in Altamont, as set forth herein; and

D. For such other and further relief as is deemed just.

Dated this 27th day of January, 2016.

ROCK FUSCO & CONNELLY, LLC

By: /s/ Paul D. Streicher
One of the attorneys for
CSX TRANSPORTATION, INC.

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